

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) **Case No. 18-04017-09-CR-C-BCW**
)
)
EAPEN THAMPY, et al.,)
)
Defendants.)

**DEFENDANT'S MOTION TO PROCEED TO SENTENCING HEARING BY VIDEO
CONFERENCE**

COMES NOW Defendant, Eapen Thampy, by and through counsel, and pursuant to Attorney Shawn M. Lee, pursuant 15002(b)(2) of the CARES Act, H.R. 748, and moves this Court to enter an order authorizing the defendant to proceed to a sentencing hearing by video teleconference. In support thereof, the defendant states as follows:

1. Mr. Thampy is not currently being held on this case and is residing in Kansas City, Missouri.
2. Mr. Thampy has entered a plea of guilty and has filed a sentencing memorandum and is prepared to take up his Motion to Withdraw prior to sentencing.
3. On March 27, 2020, in response to the COVID-19 crisis, Congress passed, and the President signed into law, the CARES Act, H.R. 748. Included in the CARES Act is a provision expanding the authorized use of video court proceedings to include plea and sentencing hearings. CARES Act, Section 15002(b)(2).

4. On March 30, 2020, the Honorable Beth Phillips, Chief Judge of the United States District Court for the Western District of Missouri, issued a General Order implementing the CARES Act provisions related to video plea and sentencing hearings. Based on the Chief Judge's authority pursuant to the CARES Act, the District Court's General Order states, "[I]f a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case."

5. Counsel has discussed this request for sentencing by video or telephone conference with Mr. Thampy, and Mr. Thampy does wish to proceed to sentencing by video or telephone conference.

6. Proceeding by video or telephone will allow for an efficient disposition of this case, without the need to delay the change of plea and provides for the safety of the parties and the Court. It serves the interests of justice to resolve the case as soon as possible.

7. Counsel of record currently has a member of his household who has a Covid19 test scheduled for November 4, 2020 at 12:20 PM and is awaiting the results to determine whether to quarantine.

WHEREFORE, Defendant, Eapen Thampy, respectfully requests this Court, pursuant to Section 15002(b)(2) of the CARES Act, H.R. 748, and the District's Chief Judge's Order

pursuant to the CARES Act, to set this matter for a sentencing hearing by video or telephone conference at the Court's earliest convenience.

Respectfully submitted,

/s/ *Shawn Lee*
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**WITHDRAWING ATTORNEY FOR
DEFENDANT EAPEN THAMPY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 3rd Day of November, 2020 a copy of the foregoing was electronically filed using the Court's ECF/CM filing system, which sends electronic notice to all counsel of record.

/s/ Shawn M. Lee